

ORDINANCE NO. R-81- 26

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, ESTABLISHING THE PALM
BEACH COUNTY TIPPING FEE SCHEDULE PROVIDING FOR;
INTENT; TITLE; DEFINITIONS; TIPPING FEE SCHEDULE;
ILLEGAL DUMPING PROHIBITED; INDIVIDUALS EXEMPTED;
PENALTIES; REPEAL OF LAWS IN CONFLICT; SEVERABILITY;
INCLUSION IN THE CODE; AND EFFECTIVE DATE.

WHEREAS, it is necessary for Palm Beach County to provide a
means to dispose of the solid waste produced in the County in a sanitary
manner, and

WHEREAS, Florida Statutes, Section 125.01 grants Counties the
power to provide and regulate waste collection and disposal programs, and

WHEREAS, Palm Beach County owns and operates landfill sites in
various locations in the County, and

WHEREAS, the landfill sites are established and maintained in
a manner to be self-supporting, thereby, relieving the taxpayers of Palm
Beach County of the burden of supporting this necessary function through
taxation, and

WHEREAS, the State of Florida Department of Environmental
Regulation has recently reviewed the County's landfill operations and has
mandated certain changes, and

WHEREAS, it is now necessary for Palm Beach County to review the
schedule of rates and fees for the landfill sites.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

SECTION I. INTENT

It is the intent of this ordinance to establish a fair,
equitable and uniform Tipping Fee Schedule for the use of the landfill
sites owned or operated by Palm Beach County.

SECTION II. TITLE

This ordinance will be referred to as the Palm Beach County
Tipping Fee Schedule Ordinance.

SECTION III. DEFINITIONS

The following terms shall have the meanings set forth below
for the purposes of this ordinance.

a) Solid Waste - Means garbage, rubbish, refuse, or other
discharged solid or semi-solid materials resulting from domestic, commercial,
industrial, agricultural, and governmental operations.

1 b) Household Waste - Means household garbage, rubbish and
2 trash including, all kitchen and table food waste, animal or vegetative
3 waste that is attendant with or results from the storage, preparation,
4 cooking or handling of food materials; paper, cardboard, cloth, glass, street
5 sweepings or other similar materials.

6 c) Yard Trash - Shall mean vegetative material from landscaping,
7 maintenance or land clearing operations and includes such materials as tree
8 and shrub trimmings, grass clippings, palm fronds, trees and tree stumps
9 and other similar materials.

10 d) Fill Material - All materials suitable for use as fill or
11 cover including contractors rubble and debris, demolition debris, vehicle
12 tires and other like material.

13 e) Sludge - Means any solid or semi-solid or liquid generated
14 from any wastewater treatment plant, water supply treatment plant, air
15 pollution control facility, septic tank, grease trap, portable toilets, and
16 related operations or any other such waste with similar characteristics or
17 affects.

18 f) Hazardous Waste - Means materials or combinations of
19 materials which require special management techniques because of their
20 acute or chronic affects on air and water quality, on fish, wildlife, or
21 other biota, and on the health and welfare of the public. These materials
22 may include, but are not limited to, volatile, chemical, biological,
23 explosive, flammable, radioactive and toxic materials.

24 g) Infectious Wastes - Means those wastes which may cause
25 disease or reasonably be suspected of harboring pathogenic organisms;
26 included are wastes resulting from the operation of medical clinics,
27 hospitals, and other facilities producing wastes which may consist of,
28 but are not limited to, diseased human and animal parts, contaminated
29 bandages, pathological specimens, hypodermic needles, contaminated clothing
30 and surgical gloves, and other similar materials.

31 h) Tipping Fee - The charge imposed by Palm Beach County for
32 the disposal of solid waste at a County owned or operated landfill site.

33 i) Landfill Site - Means the site designated and approved by
34 the appropriate permitting agencies for the disposal of solid waste that
35 are owned or operated by Palm Beach County, including the Dyer Landfill,
36 Lantana Landfill and the Pahokee Landfill Sites.

1 SECTION IV. TIPPING FEE SCHEDULE

2 A. The following schedule of fees is hereby established for
3 the use of all Palm Beach County landfill sites:

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<u>TYPE OF WASTE</u>	<u>FEE PER TON</u>
Household waste	\$8.00 Per Ton
Yard Trash	2.00 Per Ton
Fill Material	2.00 Per Ton
Sludge	4.00 Per Ton

8 B. All weights shall be determined by the scales at the various
9 landfill sites and operated by County employees. Any question as to the
10 category of waste being disposed of shall be resolved by the decision of
11 the Operations Manager at the site; his decision shall be final.

12 C. In the event the scales at the particular site are
13 inoperative, the fee will be determined on a cost per cubic yard or gallons
14 basis according to the following schedule:

15

<u>TYPE OF WASTE</u>	<u>FEE PER CUBIC YARD OR GALLONS</u>
Household Waste	\$2.00 Per Cubic Yard
Yard Trash	1.00 Per Cubic Yard
Fill Material	1.00 Per Cubic Yard
Sludge	10.00 Per 1,000 Gallons

19 SECTION V. ILLEGAL DUMPING PROHIBITED

20 A) It shall be a misdemeanor, as provided by law, for any
21 person, business entity or governmental agency to dispose of any material
22 in any of Palm Beach County's landfill sites without first paying the
23 appropriate fee as set forth in this ordinance, except as exempt under
24 Section VI.

25 B) It shall be a misdemeanor, as provided by law, for any
26 County employee to knowingly permit any other person or business entity
27 to dispose of any material at any Palm Beach County landfill site without
28 first paying the appropriate fee as set forth in this ordinance.

29 C) It shall be a misdemeanor, as provided by law, for any
30 person, business entity or governmental agency to dispose of any hazardous
31 waste or infectious waste at any Palm Beach County landfill site.

32 D) It shall be a misdemeanor, as provided by law, for any
33 person to remove any material from a Palm Beach County landfill site without
34 the prior written approval of Palm Beach County.

35 E) It shall be a misdemeanor, as provided by law, for any
36 person to enter upon a Palm Beach County landfill site, for the purpose of

1 scavenging, without approval of Palm Beach County or for any person to
2 fail to comply with Rules and Regulations as adopted by the Board of County
3 Commissioners or the terms of the written permit.

4 SECTION VI. INDIVIDUALS EXEMPTED

5 To promote the centralized disposal of solid waste and to
6 discourage roadside dumping; individuals disposing of materials from their
7 own residences are exempt from the fees imposed by this ordinance.

8 SECTION VII. PENALTIES

9 A violation of this ordinance shall be a misdemeanor punishable
10 according to law.

11 SECTION VIII. REPEAL OF LAWS IN CONFLICT

12 All local laws and ordinances applying to Palm Beach County
13 in conflict with any provision of this ordinance are hereby repealed to the
14 extent of such conflict and to the extent permissible under the Constitution
15 of Florida.

16 SECTION IX. SEVERABILITY

17 If any section, paragraph, sentence, clause, phrase or word
18 of this ordinance is, for any reason, held by the Court to be unconstitutional,
19 inoperative or void, such holdings shall not affect the remainder of this
20 ordinance.

21 SECTION X. INCLUSION IN THE CODE

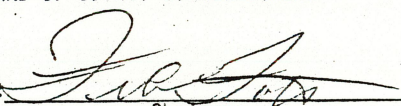
22 The provisions of this ordinance shall become and be made a
23 part of the Code of Laws and Ordinances of Palm Beach County, Florida. The
24 Sections of this ordinance may be renumbered or relettered to accomplish
25 such and the word "Ordinance" may be changed to "Section," "Article" or
26 other appropriate word.

27 SECTION XI. EFFECTIVE DATE

28 The provisions of this ordinance shall become effective upon
29 receipt of acknowledgment by the Department of State, State of Florida,
30 but in any event no sooner than October 1, 1981.

31 APPROVED and ADOPTED by the Board of County Commissioners of
32 Palm Beach County, Florida on the 6th day of October, 1981.

33
34 PALM BEACH COUNTY, FLORIDA, BY ITS
35 BOARD OF COUNTY COMMISSIONERS

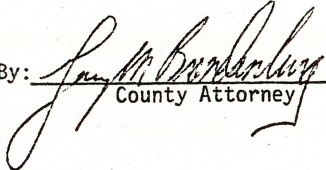
36 By: 

Chairman

1 Acknowledged by the Department of State of the State of
2 Florida, on this, the 15th day of October, 1981.

3 EFFECTIVE DATE: Acknowledgment from the Department of State
4 received on the 19th day of October, 1981, at
5 2:15 P.M., and filed in the office of the Clerk of the Board of
6 County Commissioners of Palm Beach County, Florida.

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8 APPROVED AS TO FORM
9 AND LEGAL SUFFICIENCY

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11 By: 
12 County Attorney
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